



SECRETARY OF THE ARMY
WASHINGTON

MEMORANDUM FOR SEE DISTRIBUTION

16 JUL 2010

SUBJECT: Army Directive 2010-03 (Senior Mentors)

1. References:

- a. Memorandum, SecDef, 1 April 2010, subject: Policy on Senior Mentors (enclosure 1).
- b. Memorandum, USD(P&R), 26 March 2010, subject: Revised Policy Guidance – Hiring of Highly Qualified Experts (HQEs) (enclosure 2).
- c. Memorandum, DepSecDef, 8 July 2010, subject: Implementation Guidance on Senior Mentors Policy (enclosure 3).

2. This directive establishes policy and guidance for the Army's use of senior mentors and provides implementing instructions for the Department of Defense (DoD) policy on senior mentors.

3. Army policy is that:

- a. Senior mentors within the Department of the Army, as defined in enclosure 3, will be hired as highly qualified experts (HQEs) in accordance with DoD policy (enclosures 2 and 3), any Army supplementing policy (currently under development), the procedures in enclosure 4 and compensation guidance in enclosure 5. Full human resources servicing will be with the Civilian Senior Leader Management Office, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs). That office also will be responsible for management of HQE allocations, including those used for senior mentor appointments.

- b. As part of the hiring process, senior mentors are required to fill out an HQE worksheet that will be reviewed by ethics counselors from the Office of the Army General Counsel for potential conflicts of interest. Once hired, senior mentors must file an OGE Form 450 (Confidential Financial Disclosure Report) within 30 days of their appointment. The form will be reviewed by the individual's rater and servicing ethics counselor. In addition, if the Office of Government Ethics determines that the position requires the incumbent to file an SF 278 (Public Financial Disclosure Report), the senior mentor will be required to file an SF 278.

- c. Given the noncompetitive nature of HQE appointments, it is the Army's intent to avoid any appearance of favoritism. Therefore, in addition to the other required information noted in enclosure 2, senior mentor hiring actions will include acknowledgments by the requesting official and all officials in the approval chain. Those

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acknowledgments will detail their prior associations with the individual nominee, including identifying each and every period the official worked with, worked for or was under the command of the senior mentor.

d. Organizations will program and budget for senior mentor requirements regardless of table of distribution and allowances authorizations. Senior mentor support to enduring programs, such as the Battle Command Training Program, must not be an unprogrammed year of execution bill. Funding will be from within the hiring organization. The organization may use funding programmed and budgeted for contracting senior mentors in accordance with standard financial regulations and policy.

4. Implementation of this policy requires the following actions:

a. The provision of senior mentor services via contract will cease not later than immediately in accordance with the contracting guidance in enclosure 6, unless an exception is requested in accordance with paragraph 4.c..

b. If necessary, HQE allocations will be adjusted to ensure that organizations can continue with current levels of senior mentor support.

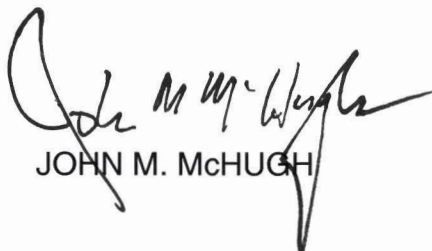
c. Requests for exceptions to this implementation date because of significant contract termination costs or effect on readiness will be submitted immediately through the Assistant Secretary of the Army (Manpower and Reserve Affairs) and the Chief of Staff, Army to the Secretary of the Army. Approval authority for exceptions is the Secretary of Defense.

d. To ensure clarity and consistency, the fact sheet at enclosure 7 is to be used with potential senior mentors.

e. All organizations will report the initial status of senior mentor conversion to the Army Deputy Chief of Staff, G-3/5/7 by 23 July 2010 , followed by monthly reports until completion.

5. This policy applies to all components of the Army, all contracting actions processed by Army organizations, and Army contract actions with non-Army contracting activities.

6. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy.



JOHN M. McHUGH

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SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

APR 1 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Policy on Senior Mentors

The use of senior mentors by the Department of Defense (DoD) enhances the readiness of our Armed Forces across a wide range of strategic, operational, joint, functional, technical, managerial and developmental issues. The relevant prior service, joint force experience, and unique expertise of these senior consultants provide senior leadership with valuable insights and contribute to the continuous improvement of the Department's operations. To ensure consistency and transparency across the Department in this important program, I am directing the adoption of a uniform hiring process.

For the purposes of this policy, "senior mentor" means a retired flag, general or other military officer or senior retired civilian official who provides expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staffs and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises. It is important that DoD be able to secure the kind of specialized expertise required for these operational exercises. At the same time, it is imperative that the experts we hire be subject to certain ethics laws and regulations that apply to Federal employees to avoid any perception of impropriety. To that end, it is the policy of the Department to hire all senior mentors as highly qualified experts (HQE) under 5 U.S.C. § 9903 and require that they comply with all applicable Federal personnel and ethics laws and regulations. As a



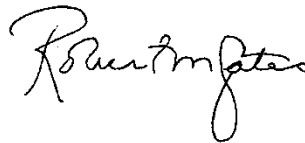
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part-time Federal employee, among other obligations, an HQE is required to file a financial disclosure report and may not divulge nonpublic information or participate in official matters that raise a financial conflict of interest. Holding senior mentors to such ethical standards promotes public trust and confidence in the integrity of the Department's programs and operations. To the maximum extent practicable, current senior mentors should be converted to HQE's within 90 days.

The Department is grateful for the patriotic service that many former officers give to the senior mentors program. They continue to serve the Department with integrity and greatly contribute to the continuous improvement of all of our operations.

A handwritten signature in black ink, appearing to read "Robert M. Gates". The signature is fluid and cursive, with the first name "Robert" and last name "Gates" being clearly legible, and "M." as a middle initial.

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PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
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DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Revised Policy Guidance– Hiring of Highly Qualified Experts (HQEs)

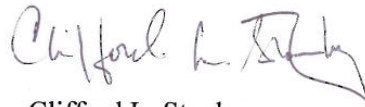
Attached is revised policy guidance for the appointment of HQEs in the Department of Defense (DoD). It consolidates three existing policy guidance memoranda and fills gaps identified by an audit of HQE appointments late this past summer. This revised guidance cancels USD(P&R) memorandum dated June 27, 2006, subject “Employment of Highly Qualified Experts,” as amended by Under Secretary of Defense memorandum dated September 12, 2007, subject “Employment of Highly Qualified Experts – Policy Addendum” (Attachment 1), and replaces it with the policy guidance contained herein.

The attached revised guidance implements DoD policy and procedures for appointing, compensating and retaining HQEs pursuant to section 9903 of title 5, United States Code (U.S.C.). This section provided DoD with the authority to attract eminent experts with state-of-the-art knowledge in fields of critical importance to the Department. Specifically, this legislation authorized DoD to develop a program to appoint as HQEs experts in critical occupations for up to five years, with the possibility of a one-year extension, and to prescribe the appropriate compensation.

This revised policy guidance permits the basic pay of an HQE within the range from GS 15 step 1 (or equivalent) up to the statutory limit of Level II of the Executive Schedule, as long as the Department’s Pay and Performance Management System is

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certified by the Office of Personnel Management (OPM). However, pay above Level III would be under very limited circumstances. If at any time the Department's Pay and Performance Management System is not certified by OPM, pay may not exceed Level III of the Executive Schedule. Further, the new guidance requires pre-appointment review of certain appointments by the Deputy Under Secretary of Defense (DUSD) (CPP) to ensure compliance with all applicable civil service laws, rules, regulations and policy. The pre-appointment reviews would involve infrequent occurrences in which the HQE would possess rare or unique skills. Finally, the policy provides for an annual adjustment to basic pay, other additional payments authorized by section 9903 of title 5, U.S.C., and requires the development of performance standards linked to mission.

A handwritten signature in dark ink, appearing to read "Clifford L. Stanley", with a stylized flourish at the end.

Clifford L. Stanley

Attachments:

As stated

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ATTACHMENT 1

DEPARTMENT OF DEFENSE EMPLOYMENT OF HIGHLY QUALIFIED EXPERTS GUIDANCE AND PROCEDURES

A. GENERAL INFORMATION

1. Section 9903 of Title 5, United States Code (U.S.C.) gives the Secretary of Defense authority to establish a DoD program to attract Highly Qualified Experts (HQE). This guidance implements that authority.
2. Appointments under this authority must be made from personnel outside the civil service and uniformed services (as such terms are defined in 5 U.S.C., section 2101). Exceptions to this policy are allowed only as established in paragraph A3.
3. The required expertise generally gained through experience in private industry or academia could, in rare circumstances, be obtained through prior civil or uniformed service during which the HQE gained an uncommon level of expertise. In these cases, a minimum 30-day break in service is required for appointment. These types of appointments should occur only in exceptionally compelling instances and are subject to the pre-appointment staffing review requirements of this Policy.
4. Appointments may be made without regard to any competitive service requirements under Title 5, U.S.C.

B. POLICY. It is Department of Defense policy that:

1. HQEs shall be appointed to bring enlightened thinking and innovation to advance the Department's national security mission. HQEs are a temporary infusion of talent and provide non-permanent support for short-term endeavors. Short-term is generally 5 years or less.
 - a. HQEs contribute in a variety of occupational fields, such as soft and hard sciences, engineering, technology, human resources, business, transformation, education, medicine, languages, and logistics.
 - b. HQEs may be hired to mentor, lead, oversee, direct, manage, and or consult on DoD programs and initiatives, including high profile and fast track assignments.

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2. HQEs shall be used, as needed, to support mission requirements and help meet the Department's workforce planning challenges. The authority to appoint annuitants shall not be used to solely benefit an HQE.
3. The number of HQE appointments within the Department shall not exceed 2,500 at any time in accordance with Section 9903 of Title 5, U.S.C.
4. The Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing authority on behalf of themselves and their serviced populations may appoint HQEs from outside the civil service and uniformed services to positions with any work schedule (i.e., full-time, part-time, or intermittent) without regard to any other provisions of Title 5, U.S.C. This authority may be re-delegated in writing only to persons in positions that report directly to the Secretaries or the Agency or Field Activity Heads.
5. The Directors of the Defense Laboratories may appoint highly qualified experts from outside the civil service and uniformed services to positions in their organizations with any work schedule (i.e., full-time, part-time, or intermittent) without regard to any other provisions of Title 5, U.S.C. This authority may not be further re-delegated.
6. HQEs who are retired Federal employees shall continue to receive full annuity and salary upon appointment and shall not be considered employees for the purposes of Subchapter III of Chapter 83 or of Chapter 84 of Title 5, U.S.C.
7. HQEs serve at the pleasure of the Appointing Official and may be terminated at any time. When practicable, they should be given no less than 3-days' advance notice.
8. HQE appointments shall not be used to:
 - a. Appoint any person to a position as the head of a Component.
 - b. Replace a member of the Senior Executive Service in a continuing Department function, or to bypass or undermine the hiring of a career member of the Senior Executive Service for a permanent position.
 - c. Provide any person temporary employment in anticipation of a permanent appointment.

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- d. Provide employment to any personnel formerly within the civil service or uniformed service without at least a 30-day break in such service and without the qualifying credentials as defined by this policy.
 - e. Provide employment to a Federal annuitant as an HQE when such employment would be more appropriate under the provisions of DoD Instruction 1400.25, Volume 300, December 10, 2008, "DoD Civilian Personnel Management System: Employment of Federal Civilian Annuitants in the Department of Defense."
9. A pre-appointment staffing review shall be conducted for certain HQE appointments as defined in Section 2. "PRE-APPOINTMENT STAFFING REVIEW REQUIREMENTS" of Attachment 2 of this policy. These types of appointments should occur only in exceptionally compelling instances and this staffing review will ensure compliance with all applicable civil service laws, rules and regulations.
10. Retired civil servants who do not possess an uncommon level of expertise and recognition required for an HQE appointment shall be appointed as Reemployed Annuitants under the provisions of DoD Instruction 1400.25, Volume 300, December 10, 2008, "DoD Civilian Personnel Management System: Employment of Federal Civilian Annuitants in the Department of Defense."
11. An employee who separated under authority of the Voluntary Separation Incentive Pay (VSIP) Program shall be prohibited from reemployment with the Department for 12 months after separation, and shall not be reemployed within five years unless the employee repays the separation incentive. Appointment under this policy constitutes reemployment with the Department and all prohibitions and repayment requirements apply. Reemployment restrictions are specified in Section 9902(f) of Title 5, U.S.C., and implementing DoD VSIP guidance and procedures.

C. APPLICABILITY

This policy applies to the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Office of the Inspector General, the Combatant Commanders, the Defense Agencies, the DoD Field Activities, and all other organizational entities of the Department of Defense (the "DoD Components").

D. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness (USD)(P&R). The USD(P&R) shall set policy and provide oversight of its HQE policy and implementation.
2. The Deputy Under Secretary of Defense (Civilian Personnel Policy (DUSD)(CPP). The DUSD(CPP), under the authority direction and control of the USD(P&R), shall:
 - a. Approve all appointments pursuant to this policy.
 - b. Distribute and manage HQE allocations and approve cross leveling of allocations. At the beginning of each fiscal year, the DUSD(CPP) will apportion a share of the allocations based on civilian end strength, prior-year usage, and the needs of the DoD Components. As the need arises, under-utilized authorizations may be re-allocated and additional allocations may be requested, with justification, for approval by the DUSD(CPP).
 - c. Monitor and oversee the efficacy and integrity of the policy, program administration and implementation.
 - d. Conduct periodic audits or evaluations and levy reporting requirements as necessary.
3. The Heads of the DoD Components. The Heads of the DoD Components shall:
 - a. Ensure compliance with this policy within their Components.
 - b. Ensure appropriate and effective use and oversight of this authority to support mission requirements.
 - c. Respond to reporting requirements as appropriate.

E. DEFINITIONS

Highly Qualified Expert (HQE): An individual who possesses uncommon and recognized knowledge, skills, and experience in an occupational field, and judgment that is accorded authority and status by peers or the public. An HQE has substantive experience and/or education, is generally credentialed, and has proven ability in a particular field or fields.

Designee: A person or persons in positions that report directly to the Secretaries or the

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Agency or Field Activity Heads, to whom the Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing authority have delegated authority.

Appointing Official: The Secretaries or the Agency or Field Activity Heads, to whom the Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing authority, or Designee to whom the authority has been delegated.

Performance Plan: A signed, written document that describes the expected, results-driven performance requirements which are aligned to the organization's goals. The Performance Plan must state the basis for any performance-based increases for extraordinary accomplishments.

Performance Requirement: Written statements of measurable results expected to be achieved during the performance appraisal period. Typically, there are between one and four SMART-Q written performance requirements for each performance element. They describe both “what is expected” and “how it is to be accomplished,” and are written at the “In Good Standing” performance rating level. These are the standards of performance against which HQEs will be evaluated.

SMART-Q: A framework used for developing measurable results-driven performance requirements. The acronym stands for: Specific (define results to be accomplished within the scope of the job), Measurable (define quality, quantity, and/or effectiveness), Aligned (support specific strategic goals), Realistic/Relevant (requirements are achievable yet challenging), Timely (define a deadline/timeframe for achieving the requirements), and Quality (identify the degree of excellence expected).

F. PROCEDURES. Attachment 2 provides procedures and requirements for appointment of HQEs in the Department of Defense.

G. EFFECTIVE DATE. This policy is effective immediately.

ATTACHMENT 2

PROCEDURES

GENERAL INFORMATION. When delegated, managers and supervisors shall apply the authority to appoint HQEs to carry out mission requirements in accordance with this policy memorandum. Supporting human resources offices shall follow the procedures outlined herein when using the HQE authority.

1. QUALIFICATION REQUIREMENTS

- a. Personnel must possess an uncommon level of expertise and recognition to be appointed as an HQE. Such expertise is generally not available within the Federal workforce at the time of need nor is it typically gained within the civil service or uniformed service.
- b. HQE appointees generally gain such expertise through experience in private industry or academia. As such, it is typical for HQEs to have an intervening period of service between their former civil or uniformed service and their appointment as an HQE. However, in situations where HQEs are hired in support of DoD mission requirements, the required expertise could be obtained through prior civil or uniformed service during which they gained an uncommon level of expertise. In these cases, a 30-day break in service is required for appointment. These types of appointments should occur only in exceptionally compelling instances and are subject to the pre-appointment staffing review requirements as set forth in Section 2., below.

2. PRE-APPOINTMENT STAFFING REVIEW REQUIREMENTS

- a. The Deputy Under Secretary of Defense (DUSD) Civilian Personnel Policy (CPP) will conduct pre-appointment staffing reviews of appointments of the following categories of candidates to HQE positions:
 1. Appointment of a former political appointee converted noncompetitively using the Schedule A appointing authority or a former political appointee noncompetitively converted using any appointing authority or Schedule C Executive Branch employee who held the position within the last five years.

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2. Appointment of a former Non-career SES Executive Branch employee who held the position within the last five years to an HQE position.
 3. Subsequent, consecutive appointment to a new position of an HQE who has already served on an HQE appointment beyond the five-year statutory limitation, plus a one-year extension.
 4. Appointment or conversion of any current HQE into a non-HQE position in the competitive or excepted service.
 5. Appointment of any former Schedule C, Non-Career Senior Executive Service (SES) employee, former Federal employee, or member of the Uniformed Services under those exceptionally compelling instances when the break in service is such that it does not provide for an intervening period of employment.
- b. These types of appointments should occur only in rare instances and this staffing review will consider the rationale that merits the exceptionally compelling type of appointment, as well as ensure compliance with all applicable civil service laws, rules, and regulations. Supporting documentation requirements are defined below in 3, "APPOINTMENT REQUIREMENTS," below.

3. APPOINTMENT REQUIREMENTS

- a. All appointments of HQEs must include written documentation that clearly identifies the following:
 1. The individual's qualifications (requisite knowledge, skills and experience) for an HQE appointment as defined by 1, "QUALIFICATION REQUIREMENTS," above;
 2. The short-term (five years or less) nature of the work, or, if work is anticipated to extend beyond that time period, a succession plan for the position;
 3. The scope of results-driven work, project, program, or task; schedule for delivery; strategic mission or goal supported (Performance Plan); and
 4. Factors and criteria used in setting initial pay, and basis for future pay adjustments.

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- b. Appointees should be advised of appropriate ethics and reemployment restrictions that apply at the time of their appointment.
- c. Individuals employed under this policy will be given Excepted Not To Exceed appointments (up to five years) using Nature of Action Code 171, Authority Code ZLM, and legal authority 5 U.S.C. 9903. The pay plan will be EE (Experts Other).

4. PERFORMANCE MANAGEMENT

- a. HQEs shall be subject to a performance management process that establishes performance requirements and provides for additional compensation for extraordinary results as defined below.
- b. HQEs shall not be subject to the requirements of a DoD formal Performance Management system, such as the "Senior Executive and Senior Professional Performance Management System." In lieu thereof, HQEs will be covered by an appointment-specific Performance Plan.
- c. The Performance Plan must be part of the Appointment Documentation and meet the following criteria:
 - 1. Specify the Periods of Performance and Appraisal. The periods of performance and appraisal can be for any length of time that is deemed sufficient to deliver and review the expected results, e.g., 90 days, annually, or multi-year). The Performance Plan must be reviewed at least once during the Period of Performance to ensure it is current and relevant. The Performance Plan must be changed or updated based upon job requirements and organizational needs.
 - 2. Specify the Performance Factor and Performance Requirements. There is one Mandatory Performance Factor: Mission Accomplishment. Mission Accomplishment is defined as:
 - i. Executes the position's assigned duties in a manner that contributes to the successful outcome of strategic goals and objectives. Ensures that the accomplishments of the organization or program managed can be directly tied to mission need. Specifies the results or commitments to be achieved during the rating period.
 - ii. There must be at least one, but generally not more than 4 Performance Requirements. All performance requirements shall be results-driven, written at the "In Good Standing" level, in the

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SMART-Q framework, as defined in Section C., "DEFINITIONS," and specify measurable results and outcomes Of a particular performance element. In Good Standing Level results are characterized as:

- Uncommon, Proficient, Exceptional, Outstanding
 - Demonstrative of efficiencies and cost savings
- iii. The President's Annual Executive Pay (PAEP) increases are used to recognize performance at this level of achievement.
- iv. There are no other levels of performance. HQEs serve at the will of the appointing official. Performance that does not meet expectations or is not determined to be at the "In Good Standing Level," must be terminated.
- v. Performance Requirements must be developed and discussed in consultation with the HQE and reflect the duties, responsibilities, and expected outcomes.
- vi. Supervisors must monitor performance during the performance appraisal period as set forth in the performance plan and communicate feedback to the HQE on progress in accomplishing the performance elements and performance requirements described in the performance plan.
- vii. Relative to the performance plan, the rating official shall provide ongoing feedback as necessary. Feedback aims to reinforce, acknowledge, anticipate, and remedy performance. Feedback can be provided at any time during the performance period. In addition, HQEs may request periodic feedback on performance.
- d. Specify the basis for pay increase based upon extraordinary results. Extraordinary results are a high bar standard and characterized as:
1. Significantly advance the Department's mission or program objectives. (e.g., Game changing);
 2. Demonstrative of significant efficiencies and or cost savings; and
 3. Pay increases above the PAEP level are reserved for those who deliver extraordinary results.

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5. DURATION OF APPOINTMENT

- a. Employment under this authority may not exceed five years.
- b. Designees may, on a case-by-case basis, extend appointments for up to one additional year, not to exceed a total of six years. Justification for the extension must include:
 - 1. The need to retain the services and expertise of the HQE
 - 2. The role in promoting DoD's national security mission.
- c. In the event the Secretary of Defense terminates this program, the following provisions will apply to an employee who, on the day before the program terminates, is serving in a position pursuant to an appointment under 5 U.S.C. 9903(b):
 - 1. The termination of the program will not terminate the employee's employment in that position before the expiration of the lesser of:
 - i. The period for which the employee was appointed; or
 - ii. The period to which the employee's service is limited under 5 U.S.C. 9903(c) and this policy, including any extension made before the termination of the program; and
 - 2. The rate of basic pay prescribed for the position may not be reduced as long as the employee continues to serve in the position without a break in service.

6. PAY ADMINISTRATION

- a. Pay-Setting Upon Initial Appointment.
 - 1. Compensation for an HQE should reflect the salary paid in the labor market for comparable positions, taking into account such factors as applicant's skills, professional and educational accomplishments, and the complexity of the work the applicant is asked to perform. Other relevant factors, such as those listed below may also be considered:
 - i. Labor market conditions
 - ii. Type of position

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- iii. Work schedule
 - iv. Organizational needs
 - v. Personal qualifications
 - vi. Type of degree
 - vii. Experience (currency)
 - viii. Budget considerations;
 - ix. Organizational equity/pay considerations
 - x. Mission impact of work assignments.
2. Pay is set based on labor market/qualifications/scope of duties to be performed and cannot exceed the maximum limit established by 5 U.S.C. 9903(b)(2). Basic pay for an HQE typically will be within the range from GS 15 step 1 (or equivalent) up to the statutory limit of Level II of the Executive Schedule as long as DoD's Performance Pay and Management system is certified by the Office of Personnel Management (OPM). If at any time, DoD's Performance Pay and Management is no longer certified by OPM, pay may not be exceed Level III of the Executive Schedule. Since the total pay cannot exceed these limits of the Executive Schedule for certified systems, when the HQE is eligible for locality-based comparability pay, basic pay must be adjusted to ensure it is within the statutory caps. Pay setting above Level III should be reserved for unique circumstances of rare occurrence. All initial pay set above EX-III will be reported to the Deputy Under Secretary of Defense (DUSD)(CPP) on annual basis at the end of each calendar year to ensure consistent pay setting practices across the Department.
3. The HQE's basic pay will not be further supplemented for any reason, except as provided in b.3., below, to include position-based special rates. In addition, the HQE will not be eligible for any type of premium pay (e.g., overtime, danger, etc).
- b. Pay Increases. Within the range set by 5 U.S.C. 9903, Designees may adjust an HQE's basic pay, at any time, for the following reasons:

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1. The HQE's extraordinary level of accomplishment as documented by the Performance Plan. Accomplishments must be related to projects, programs, or tasks that contribute to the Department or Component strategic mission, requirements, and goals; or
 2. Significant change in the HQE's duties or responsibilities which warrant an increase. Market factors or other benchmarks to ensure competitiveness for the work required will be used to support the increase. Written documentation must describe the basis of the increase; or
 3. At the discretion of the Component Head, HQEs may receive some or all of the President's Annual Executive Pay (PAEP) increase. Considerations for the PAEP include, but are not limited to, time in the position, cost-of-living adjustment, performance and/or other whether any other pay increases were provided for under this policy.
- c. Additional Payments. Designees may authorize an additional payment only to recognize specific accomplishments, contributions, or performance as provided for in paragraph 6.b., above, or, as a recruitment, relocation, or retention incentive, in paragraph 6.e., below, subject to the following limitations established under 5 U.S.C. 9903(d):
- The total of all additional payments made under these provisions during any 12-month period may not exceed the lesser of (1) \$50,125, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year; or (2) the amount equal to 50 percent of the employee's annual rate of basic pay. These additional payments may be paid to an HQE who works a full-time, part-time or intermittent work schedule.
- d. The employee's total compensation in any calendar year, including basic pay and any additional payments, may not exceed the total annual compensation payable at the salary set under 3 U.S.C. 104.
 - e. If a payment is authorized as a recruitment, relocation, or retention incentive, the following conditions apply:

SUBJECT: Army Directive 2010-03 (Senior Mentors)

1. Recipient must sign a written service agreement documenting a minimum period of employment commensurate with the incentive prior to receiving the payment.
2. HQEs are eligible to receive a retention incentive when the organization has a special need for the employee's services that makes it essential to retain the employee. HQEs are eligible to receive a relocation incentive when the organization has a special need for the employee's services that would require temporarily relocating the employee at any time during the HQE's period of employment, and when the HQE would be required to relocate for a minimum of one year. Retention and Relocation Incentives may be paid in a single lump sum payment after completion of the full service period or in installments after completion of specified periods of service.
3. The method used in determining installment payments must be documented before the initial payment occurs.
4. A written service agreement documenting a minimum period for employment that is commensurate with the incentive amount is required prior to receipt of payment.

7. DOCUMENTATION

- a. Components will use the Defense Civilian Personnel Data System (DCPDS) to record the employment of highly qualified experts.
- b. Components must maintain written documentation of the criteria used for each appointment, as well as the factors and criteria used in setting initial pay, any pay increases, and additional payments.
- c. Components will retain documentation for three years after employment is terminated.
- d. The DUSD(CPP) will monitor and oversee the effective use of this appointment authority and may establish reporting requirements, as necessary. DCPDS will be used to obtain information on the employment of highly qualified experts to assist in meeting any reporting requirements.

SUBJECT: Army Directive 2010-03 (Senior Mentors)



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

JUL 08 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Implementation Guidance on Senior Mentors Policy

Attached is additional implementation guidance amplifying the Secretary of Defense April 1, 2010, "Policy on Senior Mentors" memorandum. This guidance is provided to ensure consistency in hiring practices and uniform application of the Federal personnel and ethics laws to those individuals hired to perform senior mentor services as highly qualified experts (HQEs).

Senior mentors continue to provide senior leadership with valuable insights that contribute to the continuous improvement of combat operations. The senior mentor policy and this additional implementation guidance are important tools that will ensure consistency and transparency when the Department secures these important services. Accordingly, please ensure that your senior mentor practices and procedures reflect this additional guidance.

Also, please report back to my office by July 31, 2010, the names of, and a justification for, any senior mentors who have not yet been converted to HQEs.

Attachment:
As stated



OSD 08146-10



100711316

SUBJECT: Army Directive 2010-03 (Senior Mentors)

ADDITIONAL IMPLEMENTATION GUIDANCE ON SENIOR MENTOR POLICY

DEFINITIONS

The senior mentor policy requires that all individuals serving as senior mentors with the Department be hired as highly qualified experts (HQEs). The policy defines a senior mentor as "a retired flag, general or other military officer or senior retired civilian official who provides expert experience-based mentoring, teaching, advice, and recommendations to senior military officers, staffs and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision making exercises." The italicized terms are those further defined below.

Other military officer

As a general matter, the term "other military officer" is limited to retired O-6s. For those O-6 mentors whose level of expertise is not high enough to warrant HQE appointment, they may be hired at less cost to the government as a government employee, provided that they also file a non-disclosure agreement and a financial disclosure report.

Senior retired civilian official

The term "senior retired civilian official" means retired member of the Senior Executive Service (SES) or equivalent, and above, from the Executive Branch, including former Presidential appointees confirmed with the advice and consent of the Senate, non-career SES, and former U.S. Ambassadors and Senior Foreign Service Officers.

Senior military officers, staffs and students

The category of "senior military officers, staffs and students" receiving senior mentor services generally contemplates military officers, staffs and students who are at the grade of O-7 and above, or civilian equivalent.

Warfighting courses

"Warfighting courses" is meant to cover instruction that has, as its primary purpose, the preparation of general or flag officers for the challenges and requirements of command or senior staff positions in a combat zone. It has an operational, as opposed to purely academic or theoretical, focus. An example of a "warfighting course" that is covered by the policy is the Joint Flag Officer Warfighting Course, which is designed to teach future task force commanders and senior staff members the challenges and requirements of joint warfighting.

Operational planning

"Operational planning" includes only operational planning exercises (where actual mentoring can occur). Budget planning advice, regional history white papers, political briefings, or strategic assessments (like those sometimes provided by FFRDCs) are not the kinds of activities this term is meant to encompass.

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GUIDANCE

This section addresses financial disclosure requirements, hazardous duty pay and the use of honoraria to supplement the income of senior mentors.

Financial disclosure requirements

Senior mentors appointed as HQEs will file the confidential financial disclosure report (OGE Form 450), instead of the public report (SF 278), based on specific guidance received from the U.S. Office of Government Ethics (OGE). OGE is authorized by law to administer the financial disclosure reporting system in the Executive Branch. OGE has determined that, with respect to the DoD-unique HQE appointment, it is appropriate to look not at an individual HQE's actual pay, but at the lowest pay in the HQE range of pay when deciding whether the public or the confidential report must be filed. The HQE pay range begins at the GS-15, Step 1 level. Therefore, OGE has concluded that an HQE, even one actually paid at a higher level than GS-15 Step 1, is to file the confidential report (OGE Form 450).

Hazardous duty pay

Under current law and regulation, HQEs are *not* eligible for danger pay or similar hazardous duty pay.

Honoraria

A senior mentor may *not* receive honoraria or other similar payments in addition to HQE compensation for activities that are related to or flow from the performance of HQE senior mentor duties.

SUBJECT: Army Directive 2010-03 (Senior Mentors)

HQE APPOINTMENT PROCESS

1. Submission from organization. The package must contain:
 - Request memorandum (include justification for appointment and salary, etc.)
 - Proposed position description
 - Organization chart (big picture/little picture)
 - Resume
 - Performance plan
 - Position Organization Address worksheet
 - Request for Personnel Action (SF 52)
2. Civilian Senior Leader Management Office (CSLMO) actions:
 - Classify position description
 - Prepare request memorandum
 - Make initial contact to candidate to request:
 - Salary documentation
 - HQE worksheet
 - OF 306 (Declaration for Federal Employment)
 - Initiation of security check
 - Drug testing (if applicable)
3. Army approval process:
 - Office of General Counsel

If proposing an HQE for a Headquarters, Department of the Army organization, add reviews by:

 - Deputy Assistant Secretary for Force Management, Manpower and Resources
 - Administrative Assistant to the Secretary of the Army
 - Assistant Secretary of the Army (Manpower and Reserve Affairs)
 - Secretary of the Army
4. Deputy Under Secretary of Defense (Civilian Personnel Policy) preappointment review:
 - Required for appointments of:
 - Former political appointee converted noncompetitively
 - Schedule C or noncareer Senior Executive Service (SES) employee within the last 5 years

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- Subsequent, consecutive HQE appointment
 - Former Schedule C, noncareer SES, Federal employee or member of the Armed Forces when an intervening period of employment does not exist
 - Should occur in rare instances when rationale is exceptionally compelling to merit this type of appointment
5. CSLMO finalizes offer.

The point of contact for clarification or additional information on senior mentor HQE procedures is Ms. Gwen DeFilippi, CSLMO, 300 Army Pentagon, Room 1D755, Washington, DC 20310-0104, gwendolyn.r.defilippi@us.army.mil and 703-693-1125.

SUBJECT: Army Directive 2010-03 (Senior Mentors)

SENIOR MENTOR COMPENSATION GUIDANCE

General Salary Guidance

Compensation for an HQE should mirror the salary paid in the labor market for comparable positions, taking into account such factors as the applicant's skills, professional and educational accomplishments, and the complexity of the work the applicant is asked to perform. Other relevant factors that may be considered include labor market conditions, type of position, work schedule, organizational needs, personal qualifications, type of degree, experience (and its currency), budget considerations, organizational equity and pay considerations, and mission impact of work assignments.

Pay is set based on the labor market, qualifications and scope of duties to be performed and cannot exceed the maximum limit established by 5 U.S.C. § 9903(b)(2). Basic pay for an HQE typically will fall within the range from a GS 15 step 1 or equivalent (\$99,628 a year for 2010) to the statutory limit of Level II of the Executive Schedule (\$179,700 a year for 2010) as long as DoD's performance pay and management system is certified by the Office of Personnel Management. If at any time, the office no longer certifies DoD's system, pay may not exceed Level III of the Executive Schedule (\$165,300 a year for 2010). Pay setting above Level III is reserved for unique circumstances of rare occurrence.

Basic pay for HQEs will not be further supplemented for any reason, except as annotated in reference 1b (enclosure 2), paragraph 6-b-3 (annual adjustment to basic pay), to include position-based special rates. In addition, HQEs are not eligible for any type of salary supplementation, including premium pay (such as overtime and compensatory time), as well as entitlements and allowances (such as danger pay and living quarters allowance).

The approval authority (currently reserved for the Secretary of the Army) may authorize additional payments to recognize specific accomplishments, contributions or performance, or as a recruitment, relocation or retention incentive. The total of all additional payments made during any 12-month period may not exceed the lesser of \$50,125 (or as otherwise set by DoD in enclosure 2) or 50 percent of the employee's annual rate of basic pay (amount may be adjusted annually). These additional payments may generally be made to an HQE who works a full-time, part-time or intermittent work schedule. (Note: Relocation incentives should not be provided to intermittent employees.) If a payment is authorized as a recruitment, relocation or retention incentive, the following conditions apply:

- HQEs are eligible to receive a retention incentive when the organization has a special need for the employee's services that makes it essential to retain the employee. HQEs are eligible to receive a relocation incentive when the

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organization has a special need for the employee's services that would require temporarily relocating the employee at any time during the HQE's period of employment and when the HQE would be required to relocate for a minimum of 1 year. Retention and relocation incentives may be paid in a single lump sum payment after completion of the full service period or in installments after completion of specified periods of service;

- The method used in determining installment payments must be documented before the initial payment occurs; and
- A written service agreement documenting a minimum period for employment that is commensurate with the incentive amount is required before the receipt of payment.

Recruitment and retention incentives should be tied specifically to the anticipated work. However, they also can be used to incentivize senior mentors to cross the 60/61-day threshold for representing back purposes and 130/131-day threshold for losing special government employee (SGE) status. For example, it may be appropriate to offer a recruitment or retention incentive of 15 percent for a senior mentor who agrees to work 79 days and 25 percent for a senior mentor who agrees to work 200 days. These percentage incentives may be appropriate because they could reduce the number of senior mentors required, thus reducing overhead, training and other costs. (Note: A greater number of senior mentors would be required if each worked only 60 days.)

Performance payments must be specifically authorized by the HQE approving official, currently the Secretary of the Army.

Specific Salary Guidance

As a guideline, senior mentor salary generally will be categorized based on the level of work, not the retired rank of the individual mentor. The experience of the mentor should be considered in determining the specific salary within a particular category. The salary range for each category is based on the corresponding range of basic pay in the 2010 military pay table and should adjust with the pay table. The three senior mentor categories are:

Category	Typical Annual Pay Range (Including Locality Pay)	Typical Hourly Pay Range (Including Locality Pay)
A	\$99,628.00 - \$140,018.40	\$47.74 - \$67.09
B	112,788.00 - 162,597.60	54.04 - 77.91
C	159,404.40 - 179,700.00	76.38 - 86.10

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- Category A senior mentors are performing work consistent with what the Army would assign an active duty one-star or tier one SES member to perform.
- Category B senior mentors are performing work consistent with what the Army would assign an active duty two-star or tier two SES member to perform.
- Category C senior mentors are performing work consistent with what the Army would assign an active duty three- or four-star or tier three SES member to perform.

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CONTRACTING GUIDANCE

Army contracting activities will coordinate the following actions with requiring activities to ensure full communication. If the requiring activity is requesting an exception to policy, contract termination actions should be readied but not executed until Headquarters, Department of the Army provides a decision on the request.

Required Actions on Existing Contracts:

- Each Army contracting activity shall immediately review their contracting portfolio to confirm the identification of all existing and proposed contracts using the services of senior mentors as defined herein.
- Terminate for convenience existing contracts, or the affected contract line item numbers or parts thereof, using the services of senior mentors that have a period of performance beyond 30 June 2010.
- Where terminations for convenience are required, execute those actions immediately upon receipt of this guidance to facilitate the transition of senior mentors to HQEs.
- If a current contract using the services of a senior mentor is to expire on or before 30 June 2010, no further action is required on that contract.
- Do not exercise any remaining unexercised option periods for senior mentor contracts.
- The award of new Army contracts for senior mentors, as defined herein, is not authorized.

Reporting the Completion of Terminations for Convenience:

- Each Army contracting activity shall provide a consolidated report once termination actions are complete. As a minimum, data fields will include contract number, a brief description of the senior mentor service rendered, contract activity name, date termination action initiated, date termination action completed, requiring activity, final realized cost effect (as known at the point of termination), reassessment of mission impact (to the customer), and any necessary or supporting remarks. Provide your consolidated report, in an MS Excel format, to the point of contact identified at the end of this enclosure no later than the close of business, 23 July 2010.
- Negative reports are required for those contracting activities that are not affected by this senior mentor guidance. Provide a statement indicating the review of this

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policy, review of the contracting activities portfolio for contracts falling within the purview of this policy, and a definitive statement that the portfolio review did not identify contracts requiring the services of senior mentors. Provide negative reports to the point of contact identified below no later than the close of business, 23 July 2010.

Contracting With Non-Army Contracting Activities:

The Secretary of Defense policy (enclosure 1), is applicable to all Military Services. As such, contracting with non-Army contracting activities for the hiring of senior mentors in support of Army requirements is not authorized. Likewise, providing Army contract support to a DoD sister Service for the services of a senior mentor is not authorized.

The point of contact for clarification or additional information on senior mentor contracting guidance is Mr. Milton “Chip” Wynn, Office of the Deputy Assistant Secretary of the Army (Procurement), Procurement Policy and Support, 2511 Jefferson Davis Highway, Presidential Towers Suite 10363, Arlington, VA 22202, milton.wynn@us.army.mil and 703-604-7029.

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ARMY FACT SHEET ON SENIOR MENTORS

Intent of the Senior Mentor Policy

The policy is intended to ensure consistency and transparency across the Department of the Army through the adoption of a uniform hiring process. It is imperative that the experts hired be subject to certain ethics laws and regulations that apply to Federal employees to avoid any perception of impropriety.

Compensation

Pay. Basic pay for an HQE typically will fall within the range of a GS 15 step 1 or equivalent (\$99,628 a year for 2010) to the statutory limit of Level II of the Executive Schedule (\$179,700 a year for 2010). Pay setting above Level III (\$165,300 a year for 2010) is reserved for unique circumstances of rare occurrence. Basic pay for HQEs will not be further supplemented for any reason, except as authorized, to include position-based special rates.

Additional Compensation. The approval authority (currently reserved for the Secretary of the Army) may authorize additional payments to recognize specific accomplishments, contributions or performance, or as a recruitment, relocation or retention incentive. However, the total of all additional payments made during any 12-month period may not exceed the lesser of \$50,125 (or as otherwise set by DoD in enclosure 2) or 50 percent of the employee's annual rate of basic pay (amount may be adjusted annually). HQEs are not eligible for any type of salary supplementation, including premium pay (such as overtime and compensatory time), as well as entitlements and allowances (such as danger pay and living quarters allowance).

Ethics and Financial Disclosure

Financial Disclosure. An HQE will file an OGE Form 450 (Confidential Financial Disclosure Report), which is used to check for conflicts of interests. If the Office of Government Ethics determines that the position requires the incumbent to file an SF 278 (Public Financial Disclosure Report), the HQE will file an SF 278.

Conflicts of Interest. HQEs will not participate personally and substantially in a particular matter that would have a direct and predictable effect on their financial interests, or on interests that are imputed to them. The interests of the following individuals and organizations are imputed to the HQE: the HQE's spouse; minor children; general partners; any organization in which the HQE serves as an officer, director, trustee, general partner or employee; and any person or organization with which the employee is negotiating or has an arrangement for prospective employment.

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Representing Back. An HQE who is an SGE may not engage in representational activities in a matter on behalf of another person, company, organization or any other non-Federal entity before the Federal Government in which he or she participated personally and substantially as a Government employee or in a matter pending before the department or agency of Government which the SGE is serving. Title 18 U.S.C. § 205 generally prohibits Federal employees from engaging in representational activities before the Federal Government. Representational activities include oral and written communications to Federal Government employees. However, an SGE may represent another party involving matters pending before the Government if the SGE worked no more than 60 days in a year, but not matters in which the SGE participated personally and substantially. Title 18 U.S.C. § 203 also prohibits the receipt of compensation for representational activities. However, an SGE may receive compensation for those matters which he or she is permitted to represent to another party.

Note: For the purpose of tracking how many days have been worked, a day runs from 0001 hours to 2400 hours. Therefore, working from 9 p.m. to 5 a.m. constitutes 2 days of work.

Other Highlights

Protocol. HQEs are designated as protocol precedence code 6, equivalent to a one-star military position.

Tenure. HQEs are a temporary infusion of talent and provide nonpermanent support for short-term endeavors. Short-term is generally 5 years or less. HQEs will be required to sign a statement reference appointment length at in-processing. On a case-by-case basis and with justification, appointments can be extended for up to 1 additional year, not to exceed a total of 6 years. However, they also serve at the will of the appointing official and can be terminated at any time. When practicable, HQEs should be given no less than 3 days' advance notice of termination.

Travel. In accordance with the Joint Travel Regulations and with the approval of the designated organization official, travel and permanent change of station expenses are authorized.

Work Schedule and Duty Station. HQEs may work a full-time, part-time or intermittent work schedule at the discretion of management. Work schedule is the time basis on which an employee is paid. A work schedule may be full-time, part-time or intermittent:

- Full-time usually requires an employee to work 40 hours as prescribed by the administrative workweek;

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- Part-time requires an employee to work less than full-time, but for a specific number of hours (usually 16 to 32 hours each administrative workweek) on a prearranged scheduled tour of duty; or
- Intermittent describes service performed without a regularly scheduled tour of duty.

Intermittent employees do not earn annual or sick leave. Full-time or part-time employees on appointments in excess of one year are eligible to accrue both, as well as other benefits, as eligible (such as retirement, health and life insurance, etc.)

Duty station is the city or town, county, and State in which the employee works. For most employees, this will be the location of the employee's worksite. For those employees with no fixed worksite, the duty station will be determined by the employing agency.

The point of contact for clarification or additional information on senior mentor HQE procedures is Ms. Gwen DeFilippi, CSLMO, 300 Army Pentagon, Room 1D755, Washington, DC 20310-0104, gwendolyn.r.defilippi@us.army.mil and 703-693-1125.